

OFFICIAL COUNCIL PROCEEDINGS

A regular meeting of the City Council of the City of Menomonie, Dunn County, Wisconsin, was held in open session on January 4, 2010, and called to order by Mayor Kropp at 7:00 p.m. in the City Council Chambers. The following members were present: Smith, Traxler, Soviak, Kemp, Schwebs, Kolve, Solberg, Brogan, Beety and Gabriel.

MOTION was made by Kolve, seconded by Beety, and carried to approve the minutes of the December 21, 2009 meeting.

PUBLIC COMMENTS Emilie Wiese questioned the budgeted amount for the Parks Department tractor replacement that is proposed in the 2010 Capital Improvements Plan, and suggested that the City obtain a First Option to Purchase on the property currently owned by the City of Chippewa Falls known as parcel 251-1046-06 020.

Chuck Wilke, representing Broadway Enterprises of Menomonie, Inc. (Off Broadway, 631 South Broadway), spoke regarding the proposed ten day license suspension of the beer and liquor license for Off Broadway. Mr. Wilke requested the Council consider a three day suspension as opposed to ten days.

PRESENTATION Rebecca Kralewski, representing the Menomonie Housing Authority, presented the city with two checks which represents their annual payment in lieu of taxes (\$3,900 - Memorial Heights Apartments; and \$29,568.57 - HUD Public Housing). MOTION was made by Brogan, seconded by Solberg, and carried to accept these two checks in lieu of taxes totaling \$33,468.57.

REVIEW - The Council and Administration reviewed the proposed 2010 Capital Improvements Plan.

MOTION to approve the 2010 Capital Improvement Plan as proposed, except for the Parks Department - tractor replacement \$45,000 and the Land Acquisition (City of Chippewa Falls property \$75,000); and the Police Department - Squad car replacements \$125,000 was made by Gabriel, seconded by Brogan, and lost on the following roll call vote: Ayes: Brogan and Gabriel. Noes: Smith, Traxler, Soviak, Kemp, Schwebs, Kolve, Solberg and Beety.

MOTION authorizing the Administration to proceed with the borrowing process to fund \$1,000,000 of the proposed projects/equipment that is listed on the proposed 2010 Preliminary Capital Improvement Plan was made by Smith, seconded by Schwebs, and lost on the following roll call vote: Ayes: Smith, Schwebs and Solberg. Noes: Traxler, Soviak, Kemp, Kolve, Brogan, Beety and Gabriel.

MOTION authorizing the Administration to proceed with the borrowing process to fund \$1,100,000 of the proposed projects/equipment that is listed on the proposed 2010 Preliminary Capital Improvement Plan was made by Soviak, seconded by Schwebs, and lost on the following roll call vote: Ayes: Smith, Soviak, Schwebs and Solberg. Noes: Traxler, Kemp, Kolve, Brogan, Beety and Gabriel.

MOTION authorizing the Administration to proceed with the borrowing process to fund the projects that were approved at the December 7, 2009 meeting for \$568,000; the \$25,000 for Fire Department Equipment; the Parks Department - \$35,000 for Wakanda Aquatic Park Repairs; and \$8,000 for Street Department - street light poles on North Broadway was made by Beety, seconded by Traxler, and carried on the following roll call vote: Ayes: Smith, Traxler, Kemp, Kolve, Brogan, Beety and Gabriel. Noes: Soviak, Schwebs and Solberg.

ORDINANCE establishing no parking on the west side of the 100 and 200 blocks of 2nd Street West was introduced by Smith. MOTION to waive the first reading was made by Brogan, seconded by Kolve, and carried. MOTION to waive the second reading was made by Soviak, seconded by

Kemp, and carried. MOTION to adopt the ordinance was made by Smith, seconded by Kolve, and carried with Soviak opposed.

ORDINANCE regarding the establishment of and regulations for loading zones was introduced by Beety. MOTION to waive the first reading was made by Traxler, seconded by Solberg, and carried. MOTION to waive the second reading was made by Kolve, seconded by Brogan, and carried. MOTION to adopt the ordinance was made by Beety, seconded by Traxler, and carried.

No action was taken on the resolution authorizing a February primary election for city purposes.

MOTION was made by Schwebs, seconded by Soviak, and carried on roll call vote to adopt the following assessment rates for 2010:

Curb & Gutter & Related Items	\$26.25 per front foot
Sidewalk (50% of cost)	\$17.25 per front foot

PRELIMINARY RESOLUTION NO. 1 declaring intent to levy special assessments for storm sewer, curb & gutter, sidewalk, trail, and street improvements in the street described as Red Cedar Street (from 4th Avenue North to Domain Drive) was introduced and moved for adoption by Gabriel, seconded by Smith, and carried with Brogan opposed.

Mayor Kropp announced that the proposed agreement with IAFF Local 1697 regarding paramedic training and services will be considered at a future meeting.

MAYOR’S REPORT Mayor Kropp announced that the agenda packet included notice of the Christmas Tree Pickup scheduled for January 6, 2010; notice of the next Joint Council meeting scheduled for January 28, 2010; a letter from Peter May resigning from the Main Street Association Board; and a comparison of deposits spreadsheet from the Inspection Department.

MOTION was made by Solberg, seconded by Brogan, and carried on roll call vote to approve payment of the following claims:

<u>Claims</u>	
Cedar Corporation	\$ 106,867.89
Churchill Tire	1,867.38
Fastenal	832.62
Grainger	40.98
Indianhead Insurance Agency	160.00
Red Cedar Medical Center	3,127.19
Schilling Supply Co.	197.34
Schofield, Higley, & Mayer, S. C.	6,156.24
Uline	53.23
Viking Electric Supply	60.25
Weld, Riley, Prenn & Ricci S. C.	9,434.94
<u>Parking Utility Claims</u>	
Rocky Mountain Enterprises	5,245.50
Schofield, Higley, & Mayer, S. C.	198.00

PUBLIC HEARING - LICENSES Mayor Kropp announced time for the public hearing relating to the possible suspension of the Class B Beer & Liquor license of Broadway Enterprises of Menomonie, Inc. (Off Broadway). No one spoke and the hearing was declared closed.

MOTION to suspend the Class B Beer and Liquor license of Broadway Enterprises of Menomonie, Inc., dba Off Broadway @ 631 South Broadway, for ten days (per current City policy) from 2:00 a.m. on January 5, 2010 until 2:00 a.m. on January 15, 2010 was made by Gabriel and seconded Schwebs.

MOTION to amend the motion to a three day suspension, as opposed to ten, was made by Brogan, seconded by Soviak, and resulted in the following tie vote: Ayes: Traxler, Soviak, Kolve, Solberg and Brogan. Noes: Smith, Kemp, Schwebs, Beety and Gabriel. Mayor Kropp voted “no” to break the tie and the motion lost.

ORIGINAL MOTION carried on the following roll call vote: Ayes: Smith, Traxler, Kemp,

Schwebs, Kolve, Beety and Gabriel. Noes: Soviak, Solberg and Brogan.

MOTION was made by Kolve, seconded by Solberg, and carried to approve the following licenses:

MASSEUSE: Rachel L. Weisenbeck.

TEMPORARY CLASS “B” BEER and TEMPORARY “CLASS B” WINE LICENSE:

- **Greater Menomonie Area Chamber of Commerce** – January 18, 2010 @ Main Street Health & Fitness - 310 Main Street, (event = Business After Hours);
- **Greater Menomonie Area Chamber of Commerce** – July 19, 2010 @ Northtown Ford Mercury - 415 Cedar Ave. W., (event = Business After Hours).

MOTION to convene in closed session under Wisconsin Statutes 19.85 (1) (c),(e), and (g) for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the government body had jurisdiction or exercises responsibility; deliberating or negotiating the purchase/sale of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session; conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy related to the payment of legal fees for a city employee to be adopted by the body with respect to litigation in which it is or is likely to become involved was made by Brogan, seconded by Smith, and carried on roll call vote.

MOTION was made by Gabriel and seconded by Schwebs authorizing payment of legal fees for Police Chief, Wayne Stolpa that he has and will continue to incur regarding the complaints filed against him with the following stipulations:

- Authorize payment to a cumulative amount not to exceed \$25,000;
- Specifically authorize the above amount to a \$5,000 maximum per claim (amount includes expenses);
- Legal reimbursement will cease at the time the Police and Fire Commission completes their deliberation and an announcement of their findings has been made;
- City Council retains the option that the \$25,000 cumulative dollar amount that has been set may be revisited.

MOTION to amend the main motion to lock in the rate paid to Chief Stolpa's legal counsel to not exceed \$215 per hour was made by Soviak, seconded by Solberg, and carried on the following roll call vote: Ayes: Traxler, Soviak, Kemp, Schwebs, Kolve, Solberg, Beety and Gabriel. Noes: Smith and Brogan.

ORIGINAL MOTION, AS AMENDED, carried on the following roll call vote: Ayes:

Traxler, Soviak, Kemp, Schwebs, Kolve, Solberg, Beety and Gabriel. Noes: Smith and Brogan.

MOTION to return to open session was made by Brogan, seconded by Solberg, and carried on roll call vote.

Action taken was announced.

MOTION to adjourn was made by Brogan, seconded by Kemp, and carried.

JoAnn L. Kadinger, City Clerk